

JAN 20 2012

S.B. NO. 2526

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# A BILL FOR AN ACT

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RELATING TO ENERGY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1       SECTION 1. Chapter 302A, Hawaii Revised Statutes, is  
2 amended by adding a new section to be appropriately designated  
3 and to read as follows:

4       "§302A-       Energy efficient schools fund. (a) There is  
5 established the energy efficient schools fund, which shall be  
6 administered by the energy resources coordinator established in  
7 section 196-3. Moneys received from the state, county, or  
8 federal government, private contributions of cash or other  
9 property, and the income and capital gains earned by the fund  
10 shall constitute its assets.

11       (b) The fund may receive contributions, grants,  
12 endowments, or gifts in cash or otherwise from all sources,  
13 including corporations or other businesses, foundations,  
14 government, individuals, and other interested parties. The  
15 legislature intends that the public and private sectors shall  
16 work together as partners in securing contributions for the  
17 fund. The legislature may appropriate moneys to the fund;  
18 provided that any appropriations made shall not supplant the



1 funding of any existing school-level minor repairs and  
2 maintenance programs, including the school-level minor repair  
3 and maintenance account established under section 302A-1504 or  
4 the Hawaii 3R's school repair and maintenance fund under section  
5 302A-1502.4.

6 (c) The energy resources coordinator may expend principal  
7 from the fund for the purposes of the fund, including to provide  
8 grants to public schools that have submitted proposals to  
9 upgrade or retrofit public school facilities in this State or  
10 contract with private vendors for projects to improve energy  
11 efficiency.

12 (d) The energy resources coordinator shall use the  
13 following criteria when determining whether to approve a grant  
14 proposal or contract:

15 (1) The amount of cost savings projected by the proposed  
16 improvements;

17 (2) The creation of a setting more conducive to learning;

18 (3) Improvements to the environment; and

19 (4) The availability and use of matching funds from other  
20 governmental and private sources to assist in the  
21 funding of the proposal.



1       (e) In managing the moneys in the fund, the energy  
2 resources coordinator shall exercise ordinary business care and  
3 prudence given the facts and circumstances prevailing at the  
4 time of action or decision. The energy resources coordinator  
5 shall consider long and short term needs of the fund, present  
6 and anticipated financial requirements of the fund, and expected  
7 total return on investments, price trends, and general economic  
8 conditions.

9       (f) There may be an endowment component of the fund, and  
10 the energy resources coordinator may accumulate net income and  
11 add the same to the principal.

12       (g) The use of any state moneys may be restricted by the  
13 legislation appropriating these moneys to the fund.

14       (h) Chapter 103D shall not apply to public schools that  
15 apply for grants under this section.

16       (i) The energy resources coordinator shall cause the fund  
17 to be audited annually by an independent auditor. The results  
18 of each annual audit shall be submitted to the department not  
19 later than thirty days from the date the energy resources  
20 coordinator received the audit results. In addition, the energy  
21 resources coordinator shall retain for a period of three years  
22 and permit the department, state legislators, and the auditor,



1 or their duly authorized representatives, to inspect and have  
2 access to any documents, papers, books, records and other  
3 evidence that is pertinent to the fund. Audit costs may be paid  
4 from the fund.

5 (j) The fund shall not be placed in the state treasury,  
6 and the State shall not administer the fund, nor shall the State  
7 be liable for the operation or solvency of the fund.

8 (k) The superintendent of education shall submit an annual  
9 report of the progress of the energy efficient schools fund no  
10 later than twenty days prior to the convening of each regular  
11 session of the legislature."

12 SECTION 2. New statutory material is underscored.

13 SECTION 3. This Act shall take effect upon its approval.

14 INTRODUCED BY:

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# S.B. NO. 2526

**Report Title:**

Energy Efficient Schools Fund

**Description:**

Creates the energy efficient schools fund to be administered by the energy resources coordinator to provide grants to public schools that submit proposals to make school facilities more energy efficient.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

